

REMARKS

Claims 2-6, 8-54, and 56-86 are pending. Claims 1, 7, and 55 have been canceled. No new matter has been added. Entry of the amendment is respectfully requested. Reconsideration is respectfully requested.

Status of the Claims

- 1). Claims 3, 8, and 58 were objected to as being dependent on a rejected claim, but would be allowable if rewritten in independent form.
- 2). Claims 55-82 were objected to under 37 CFR 1.75(c) as being of improper dependent form.
- 3). Claims 1-2 and 83 were rejected under 35 U.S.C. § 102(e) over De Leo, et al. (US 6,381,626) (hereinafter "De Leo").
- 4). Claim 6 were rejected under 35 U.S.C. § 103(a) as obvious over De Leo.
- 5). Claims 3-5, 7, 13-35, 45-57, 61-77, 81-82, and 84-86 were rejected under 35 U.S.C. § 103(a) as obvious over De Leo in view of Martin (US 5,930,765).
- 6). Claims 8-12, 36-44, 58-60, and 78-80 were rejected under 35 U.S.C. § 103(a) as obvious over De Leo in view of Martin and Lotspiech (US 6,748,539).

The Amendment

The Examiner's indication of allowable subject matter with regard to claims 3, 8, and 58 is well taken. As a result, in following the suggestions of the Examiner, these claims have been written into independent form as respective claims 3, 10, and 58. Applicants respectfully submit that these claims are now allowable along with the claims 2-6, 8-48, 51-54, 56-77, and 79-84 that depend thereon.

In light of suggestions in the Office Action, the remaining independent claims 85 and 86 have also been amended. Support for the amendment of these claims can be additionally found, for example, in previous claims 2, 13, 56.

Claim 85 enables an ATM customer to make a digital file request for a data store digital file having digital sound, have the digital file selected in the digital file request reproduced to a customer-supplied portable device, and have both the digital file request and a cash withdrawal request assessed to the same customer bank account. Where do the references link the same customer bank account to both a cash withdrawal request and a digital file request? Similarly, claim 86 enables an ATM customer to select a digital file having digital sound, authorize the customer's cash withdrawal request account to also be used in payment for the digital file selected, and have the digital file selected reproduced to a customer-supplied portable device.

Applicants respectfully submit that the references, taken alone or in combination, do not teach or suggest the recited features and relationships. The Office has not established a *prima facie* case of obviousness. It would not have been obvious to one having ordinary skill in the art to have combined the references as alleged to have produced the recited invention.

Applicants respectfully continue to traverse the rejections. Nevertheless, claims have been amended and/or canceled to advance prosecution. Applicants reserve the right to file another application (e.g., a divisional application) relating to any claim.

Fee For Extra Independent Claim

Fees for four (4) independent claims have already been paid. Five (5) independent claims are pending. Please charge the fee associated with the submission of one additional independent claim (\$200) and any other fee due to Deposit Account 09-0428.

Conclusion

Applicants respectfully submit that this application is in condition for allowance.

The undersigned is willing to discuss any aspect of the Application by telephone at the Office's convenience.

Respectfully submitted,



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